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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/031,119 | 01/16/2002 | Roland Dubos | DUBOS=2 | 3825 |
| 1444 | 7590 | 12/04/2003 | EXAMINER | |
| BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | TILL, TERRENCE R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1744 | |

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,119

Applicant(s)

DUBOS ET AL.

Examiner

Terrence R. Till

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 3, reference character "46" points to the base of the container, but in figure 4, it appears that the lead line of "46" points to the opening. It is understood the specification always refers to "46" as the base wall. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. Applicant is invited to comment on this. If applicant sees nothing wrong with the way the lead line is, just say so.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With respect to claim 1, "the zone of contiguity" lacks antecedent basis and it is not understood what is meant by the expression. With respect to claim 2, "the aspiration system" also lacks antecedent basis and the scope of the claim is not clear as it is not known what this system comprises.

6. With respect to claim 15, the claim incorporates the subject matter of claim 1 and for that reason is included in the rejection under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent to Genge et al.

9. The patent to Genge et al. discloses a removable container for collecting waste separated by a device of the inertial type said container having several walls (see figures 8-11) delimiting a storage volume for collecting waste among, said base container has at least one wall (see figure 8) forming the base wall, a link wall 34 having an opening characterized in that the base and the link wall are contiguous while presenting an inclination between said walls, the opening is located immediate a proximity zone between said link wall and the base wall. The container characterized in that it is in communication over an air path with the device for separating waste through the opening of the link wall when it is disposed within the aspiration system.

10. Claims 1-3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent to Ohira et al.

11. anticipated by Japanese patent to Genge et al.

12. The patent to Ohira et al. discloses a removable container for collecting waste separated by a device of the inertial type said container having several walls (see the figure) delimiting a storage volume for collecting waste among, said base container has at least one wall (slanted wall) forming the base wall, a link wall (right vertical wall) having an opening characterized in that the base and the link wall are contiguous while presenting an inclination between said walls, the opening is located immediate a proximity zone between said link wall and the base wall. The container characterized in that it is in communication over an air path with the device for separating waste through the opening of the link wall when it is disposed within the aspiration

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system. Additionally, there is no piece, conduit or device for waste separation located in the container.

13. Claims 1, 2, 4 and 5, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent to Melito et al.

14. Melito et al. disclose a removable container for collecting waste separated by a device of the inertial type said container having several walls 90,92,101,102 delimiting a storage volume for collecting waste among, said base container has at least one wall 101 forming the base wall, a link wall 92 having an opening 94 characterized in that the base and the link wall are contiguous while presenting an inclination between said walls, the opening is located immediate a proximity zone between said link wall and the base wall. The container characterized in that it is in communication over an air path with the device for separating waste through the opening of the link wall when it is disposed within the aspiration system. Additionally, the container has a handle 108 situated on one of the walls other than the link wall and the base wall, located outside the volume defined by the container and the base wall is seen from the figures as substantially flat.

Allowable Subject Matter

15. Claims 6-14, as best understood, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose nor render obvious the claimed combination of subject matter of a device for separation of waste of the inertial or cyclonic type for an electrical appliance of the

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vacuum cleaner type said device having a first tube presenting an air inlet orifice capable of receiving air that is aspirated and led by the tube and an air return orifice, a screw positioned in an axial manner in this first tube, a second tube having a diameter smaller than the outer diameter of the screw and situated coaxially in the extension of the first tube, in communication over an air path by one end to the return flow end of the first tube and connected by its other end to the suction group by a first evacuation conduit, a third tube arranged around the second tube and connected to the return flow end of the first tube in a manner to arrange between the second and the third tube a second conduit for evacuation of waste toward a collecting container, characterized in that the container conforms to claim 1.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Hug, Bass et al., Roberts and Japanese patent to Hagino et al. show the current state of the art in vacuum cleaner containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Till whose telephone number is (703) 308-1592.


Any inquiry of a general nature concerning the status of this application should be directed to the receptionist of Technology Center 2 whose telephone number is (703) 308-0661.

Any responses made by facsimile should be addressed to T. Till at (703) 872-9310.

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In mid-December of 2003, the examiner will be moving locations and changing phone numbers. The following information will apply:

New phone number: (571) 272-1280


TERRENCE R. TILL
PRIMARY EXAMINER
ART UNIT 1744

trt
December 1, 2003